

REMARKS/ARGUMENTS

Upon entry of the above amendment, claim 21 will have been canceled without prejudice or disclaimer. Claim 23 will have been amended and claim 32 will have been newly submitted for consideration by the Examiner. Thus, claims 17-20 and 22-32 are pending in the application.

In view of the above, Applicant respectfully requests reconsideration of the outstanding rejections of all the claims pending in the present application. Such action is respectfully requested and is believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided.

However, Applicant notes that the Examiner inadvertently failed to confirm Applicant's claim for foreign priority and that the certified copy of the priority document has been received. The Examiner is respectfully requested to confirm these matters in the next official communication.

Turning to the merits of the action, the Examiner rejected claims 17-21, 23, 24, 26, and 29-31 under 35 U.S.C §102(e) as being anticipated by MUKAIYAMA et al. (U.S. Patent No. 6,631,407). The Examiner rejected claims 22, 25, 27, and 28 under 35 U.S.C §103(a) as being unpatentable over MUKAIYAMA et al. in view of AMIT et al. (U.S. Patent No. 6,259,538). Applicant respectfully traverses both grounds of rejection.

As noted above, Applicant cancels claim 21, amends claim 23 and submits new claim 32 for the Examiner's consideration. Applicant respectfully traverses the above rejections based on pending claims 17-20 and 22-32, and will discuss the rejection with respect to the pending claims in the present application, as will be set forth hereinbelow.

Applicant's invention, as defined by the claims, generally relate to a transmitting apparatus which communicates with a receiving apparatus. According to the present invention, the receiving apparatus exchanges data with a monitor apparatus that monitors a status of the receiving apparatus. The transmitting apparatus comprises a receiver that receives, from the monitoring apparatus, status information of the receiving apparatus, and a memory that stores the status information of the receiving apparatus. The transmitting apparatus further comprises a controller that checks the status information of the receiving apparatus stored in the memory, and notifies a user of the transmitting apparatus of the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus.

With respect to the rejection of claims 17-21, 23, 24, 26, and 29-31 under 35 U.S.C. §102(e), Applicant submits that MUKAIYAMA et al. relate to a device management system in which, when printing device 10 detects a change of its own status, printing device 10 transmits, to management server 20, an SNMP trap message indicating that such a status change has occurred. Management

server 20 transmits, to client device 30, a packet notifying the status change. Client device 30 transmits a screen data request to management server 20. Management server 20 retrieves, from MIB database 150, various values corresponding to selected printing device 10 and transmits, to client device 30, the retrieved values.

Applicant submits that MUKAIYAMA et al. fail to disclose (or even suggest) a transmitting apparatus in which a memory is configured to store status information of the receiving apparatus. For example, Fig 3 of MUKAIYAMA et al. illustrates a hardware construction of printing device 10, and Fig 4 of MUKAIYAMA et al. illustrates a block diagram of printing device 10. In this regard, Applicant submits that printing device 10 corresponds to the receiving apparatus recited in pending claims, and not to the transmitting apparatus recited in Applicant's claims, because the transmitting apparatus checks status information of another apparatus (i.e., the receiving apparatus).

Further, Fig. 6 of MUKAIYAMA et al. illustrates a hardware construction of management server 20, and Fig 7 of MUKAIYAMA et al. illustrates a block diagram of management server 20. In this regard, Applicant submit that management server 20 corresponds to the monitor apparatus recited in Applicant's claims, and not to the transmitting apparatus recited in the present claims, because the transmitting apparatus receives, from the monitoring apparatus, status information of the receiving apparatus and obtains input of destination information of the receiving apparatus for a transmission of transmitting data to the receiving apparatus. Further, management server 20

does not obtain input of destination information of printing device for a transmission of transmitting data to printing device 10. Thus, Applicant submits that the figures of MUKAIYAMA et al. do not illustrate a hardware construction or a block diagram of client device 30 which corresponds to the transmitting apparatus recited in Applicant's pending claims. Therefore, Applicant submits that MUKAIYAMA et al. do not disclose a transmitting apparatus which comprises a memory configured to store status information of the receiving apparatus.

Fig.7 of MUKAIYAMA et al. disclose a storing part 25. However, Applicant notes that storing parting 25 is a component of the management server 20, and not a component of the client device 30. Thus, Applicant submits that MUKAIYAMA et al. do not disclose (or suggest) a transmitting apparatus which comprises a memory that is configured to store status information of the receiving apparatus.

Furthermore, Applicant submits that MUKAIYAMA et al. do not disclose a transmitting apparatus which checks the status information of the receiving apparatus stored in the memory when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus. Rather, in MUKAIYAMA et al., client device 10 transmits, to management server 20, the device-detailed screen request when a user of the client device 30 selects the printing device 10 in the device list page for monitoring the operation status of the printing device 10 (see, for example, col.5 lines 35-54 and col.9, lines 48-57).

On the other hand, the present invention relates to a transmitting machine which comprises a memory configured to store status information of the receiving apparatus. The transmitting apparatus checks the status information of the receiving apparatus stored in the memory when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus and notifies, to a user of the transmitting machine, the status information of a receiving machine prior to (e.g., before) transmitting the transmitting data to the receiving machine. As a result, the user of the transmitting machine of the present invention can, for example, avoid transmitting the transmitting data to a receiving machine which can not receive the transmitting data. On the other hand, when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory, the transmitting apparatus transmits the transmitting data to the receiving apparatus, as recited in, for example, claim 32. Applicant submits that MUKAIYAMA et al. do not contain any disclosure about at least this features of the present invention, nor is at least this feature suggested by the applied art. Thus, Applicant submits that the present invention is clearly distinguished over MUKAIYAMA et al.

In the view of the above, Applicant submits that the ground for the 35 U.S.C. §102 rejection no longer exists. Accordingly, the Examiner is respectfully requested to withdraw this ground of rejection.

With respect to the rejection of claims 22, 25, 27, and 28 under 35 U.S.C. §103(a), Applicant submits that AMIT et al. fail to disclose that which is lacking in

MUKAIYAMA et al. AMIT et al. is directed to a facsimile gateway that receives facsimile messages from originating fax machine 22A via conventional PSTN 30, processes the facsimile messages to provide data that is sent to packet-based network 26, and routes the data over the packet-based network 26. The Examiner asserts, in the outstanding Official Action mailed on June 1, 2005, that "AMIT teaches the transmission of IP packets from a transmission party fax to a receiving party fax over a network".

However, Applicant submits that claims 22, 25, 27, and 28 recite an Internet facsimile apparatus. Applicant submits that AMIT et al. merely disclose an originating facsimile machine 22A and receiving facsimile machine 22B which communicate over conventional PSTN 24 and 30. Thus, Applicant submits that AMIT et al. merely disclose a conventional facsimile machine, and not an Internet facsimile apparatus, as taught in Applicant's invention.

Further, Applicant submits that AMIT et al. merely disclose a facsimile gateway 20A that is connected to a conventional PSTN 30 and packet-based network 26, and which converts facsimile messages that is received from the conventional PSTN 30 into the data that is sent to packet-based network 26.

Applicant submits that the facsimile gateway 20 A of AMIT et al. is not an Internet facsimile apparatus, but merely a gateway which is connected to a facsimile machine via conventional PSTN 24. Thus, Applicant submits that AMIT et al. do not disclose (or suggest) an Internet facsimile apparatus, as taught by Applicant's invention.

Furthermore, Applicant submits that AMIT et al. do not disclose a transmitting apparatus which comprises a memory configured to store the status information of the receiving apparatus. AMIT et al. also do not disclose a transmitting apparatus which checks the status information of the receiving apparatus stored in the memory when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus. AMIT et al. do not contain any disclosure about the features of the present invention, nor are such features suggested by the applied document. Thus, Applicant submit that AMIT et al. fail to disclose that which is lacking in MUKAIYAMA et al.

Accordingly, Applicant submits that even if one attempted to combine the teaching of MUKAIYAMA et al. with AMIT et al., in the manner suggested by the Examiner, one would fail to arrive at the presently claimed invention, as such a combination would lack, at least, a transmitting apparatus which stores the status information of the receiving apparatus, checking the status information of the receiving apparatus stored in the memory when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and notifying the user of the transmitting apparatus of the status information of the receiving apparatus prior to (before) a transmission of transmitting data to the receiving apparatus.

Therefore, Applicant submits that the suggested combination of MUKAIYAMA et al. and AMIT et al. does not render the presently claimed

invention obvious, and thus, respectfully requests that 35 U.S.C. §103(a) rejection be withdrawn.

Applicant also submits new dependent claim 32 for the Examiner's consideration (claim 21 being canceled, so that the number of claims in the application remains unchanged). Claim 32 specifies that the data is transmitted to the receiving apparatus when the status information stored in the memory of the transmitting apparatus indicates that the receiving apparatus is available. Claim 32 is submitted to be allowable at least for the reasons discussed above, and further, because the applied art, either singularly or in combination, fails to disclose or suggest the transmission of the data when it is determined that the receiving apparatus is available, based on an examination of the status information stored in the memory of the transmitting apparatus. Thus, Applicant submits that an additional ground exists for concluding that claim 32 is allowable, and respectfully requests such an indication from the Examiner.

Pursuant to M.P.E.P. § 714.13, Applicant contends that entry of the present amendment is appropriate because the claims avoid the rejections set forth in the last Official Action, resulting in the application being placed in condition for allowance, or, alternatively, the claims place the application in better condition for purposes of appeal. Further, the claims do not present any new issues that would require any further consideration and/or search by the Examiner, and the amendment does not present any additional claims without canceling a like number of claims. Accordingly, entry of the present amendment is respectfully requested.

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Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application in due course.

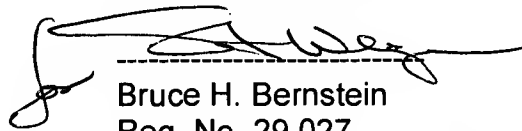
SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant canceled dependent claim 21, amended rejected claim 23 and submitted new dependent claim 32 for consideration by the Examiner. With respect to the pending claims, Applicant has pointed out patentable features thereof and has contrasted features of the new claims with the disclosures of the references. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

The amendments to the claims which have been made in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Takefumi WAKABAYASHI

A handwritten signature in black ink, appearing to read "Bruce H. Bernstein", is written over a horizontal dashed line.

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